

[First Reprint]

**SENATE, No. 1778**

---

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

---

INTRODUCED MARCH 8, 2012

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Assemblywoman LINDA STENDER**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman JOSEPH V. EGAN**

**District 17 (Middlesex and Somerset)**

**Assemblyman JASON O'DONNELL**

**District 31 (Hudson)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblymen Diegnan, Giblin, Assemblywomen Wagner, Quijano,**

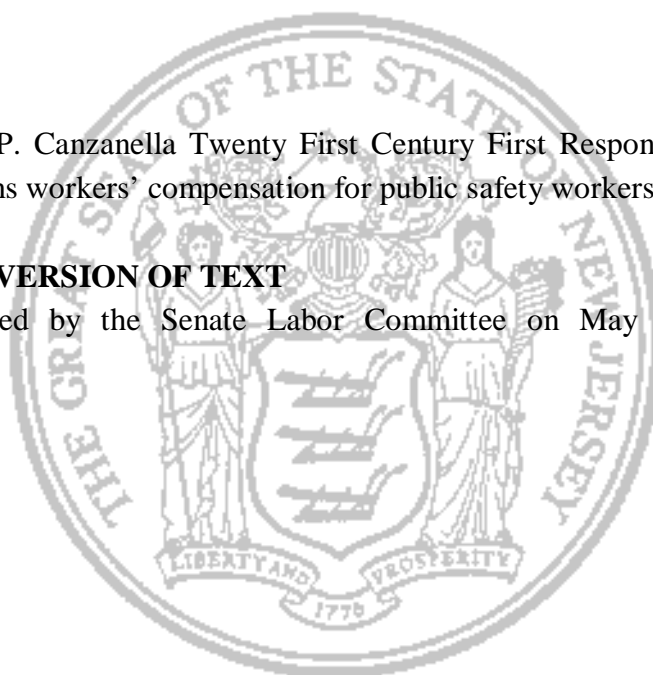
**Assemblymen Eustace and DeAngelo**

**SYNOPSIS**

“Thomas P. Canzanella Twenty First Century First Responders Protection Act”; concerns workers’ compensation for public safety workers.

**CURRENT VERSION OF TEXT**

As reported by the Senate Labor Committee on May 9, 2013, with amendments.



**(Sponsorship Updated As Of: 5/21/2013)**

1 AN ACT concerning workers' compensation, public safety workers  
2 and other employees and supplementing chapter 15 of Title 34 of  
3 the Revised Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. This act shall be known and may be cited as the "Thomas P.  
9 Canzanella Twenty First Century First Responders Protection Act."

10  
11 2. The Legislature hereby finds and declares:

12 a. Since the terrorist attacks of September 11, 2001, and the  
13 subsequent discovery of terrorist use of anthrax against American  
14 citizens that year, millions of dollars of State and federal funds have  
15 been spent, and many thousands of man-hours dedicated, to train  
16 and equip public safety workers in New Jersey regarding the  
17 management of terrorist attacks and other man-made or natural  
18 disasters;

19 b. Public safety workers are required by necessity to take great  
20 personal risks of serious injury, illness and death in their duties to  
21 protect the people of New Jersey from the dangers of catastrophic  
22 emergencies, including, but in no way limited to, terrorist attacks  
23 and epidemics;

24 c. The risks of exposure to carcinogens, communicable  
25 diseases, radiation and related hazards to health, already especially  
26 high for fire, police, emergency, medical and other public safety  
27 workers, is further increased by the duties of such workers in  
28 response to catastrophic emergencies, epidemics, and terrorist  
29 attacks which may involve materials related to biological or  
30 chemical warfare, or industrial chemicals or other hazardous  
31 materials released in connection with terrorist attacks against  
32 military, governmental, industrial, infrastructural, and other  
33 vulnerable facilities; and

34 d. Many of the severe, painful and even fatal diseases and  
35 health conditions which afflict these workers because of those  
36 exposures and duties, such as cancer, may take long periods of time  
37 to manifest themselves;

38 e. It is therefore an appropriate public policy to modernize the  
39 workers' compensation system in this State to ensure the meeting of  
40 the critical needs of public safety workers who are New Jersey's  
41 first line of defense in the event of catastrophic emergencies,  
42 epidemics and terrorist attacks, and assure that those workers are  
43 not denied a level of support which is commensurate to the  
44 sacrifices they and their families make for the safety and wellbeing  
45 of the citizens of this State and the nation.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SLA committee amendments adopted May 9, 2013.

1       3. For the purposes of this act:

2       “Hazardous chemicals or materials used in, or related to,  
3 chemical warfare” means chemicals and materials which may be  
4 used in chemical warfare, including, but not limited to, nerve  
5 agents, chemical asphyxiates, choking agents, blister agents,  
6 incapacitating agents, explosives, and includes other toxic,  
7 carcinogenic or otherwise hazardous industrial chemicals and  
8 materials to which public safety workers and members of the public  
9 may be exposed in connection with possible terrorist attacks against  
10 military, governmental, industrial, infrastructural, and other  
11 vulnerable facilities.

12       “Known carcinogen” means a substance which may cause  
13 cancer, including any substance identified as a carcinogen by the  
14 State Department of Health ‘[and Senior Services]’ or by the  
15 International Agency for Research on Cancer.

16       “Pathogens or biological toxins used in, or related to, biological  
17 warfare or epidemics” means serious communicable diseases,  
18 pathogens not necessarily transmitted by sick or infected  
19 individuals, such as anthrax, and biological toxins, such as ricin,  
20 whether or not in weaponized form.

21       “Public safety worker” includes, but is not limited to, a member,  
22 employee, or officer of a paid, partially-paid, or volunteer fire or  
23 police department, force, company or district, including the State  
24 Police, ‘[a first aid or rescue squad,]’ a Community Emergency  
25 Response Team approved by the New Jersey Office of Emergency  
26 Management, ‘or’ a correctional facility, or a ‘[hospital or other  
27 health care facility, or any other nurse,]’ basic or advanced medical  
28 technician ‘[or other medical personnel] of a first aid or rescue  
29 squad, or any other nurse, basic or advanced medical technician or  
30 staff responding to a catastrophic incident and directly involved and  
31 in contact with the public during such an incident, either as a  
32 volunteer, member of a Community Emergency Response Team or  
33 employed or directed by a health care facility’.

34       “Serious communicable disease” means any disease which is  
35 characterized by the interruption, cessation or disorder of body  
36 functions, systems or organs which may result, if not treated, in  
37 disability, chronic illness or death, and is transmittable by  
38 association with, or proximity to, sick, infected or colonized  
39 individuals, including airborne transmission, or is transmittable by  
40 contact with their bodily fluids, secretions or excretions. “Serious  
41 communicable disease” includes, but is not limited to, meningitis,  
42 tuberculosis, viral hepatitis, human immunodeficiency virus  
43 infections, acquired immunodeficiency syndrome, cholera,  
44 hemorrhagic fever, plague, smallpox, or other disease identified as a  
45 serious communicable disease by the Department of Health ‘[and  
46 Senior Services]’, and also includes diseases caused by antibiotic  
47 resistant organisms.

1       4. There shall be a presumption that death, injury and  
2 disability, including disability arising from post traumatic stress  
3 disorder, and all treatment, including psychological and social  
4 counseling and care, are compensable for the purposes of chapter 15  
5 of Title 34 of the Revised Statutes if the death, injury or disability  
6 arises from the physical or psychological impact of stress or injury  
7 experienced by a public safety worker engaged in a response to a  
8 terrorist attack, epidemic, or other catastrophic emergency, whether  
9 or not a state of emergency was declared, in which the worker is  
10 exposed to pathogens or biological toxins used in, or related to,  
11 biological warfare or epidemics, hazardous chemicals or materials  
12 used in, or related to, chemical warfare, or cancer-causing radiation  
13 or radioactive substances, or witnesses death and suffering of a  
14 magnitude sufficient to cause significant psychological trauma,  
15 whether or not the catastrophic emergency was caused by terrorist  
16 attack. This presumption may be rebutted by clear and convincing  
17 proof that the death or disability was not linked to that physical or  
18 psychological impact. The employer may require the worker to  
19 undergo, at the expense of the employer, reasonable testing,  
20 evaluation and monitoring of health conditions of the worker which  
21 is relevant to determining whether the physical or psychological  
22 impact is linked to the death, injury or disability, but the  
23 presumption of compensability shall not be adversely affected by  
24 any failure of the employer to require such testing, evaluation or  
25 monitoring. Each employer of public safety workers who are  
26 expected to respond to terrorist attacks or catastrophic emergencies  
27 shall have programs in place to provide needed psychological and  
28 social counseling and care for the workers during and after the  
29 incidents or emergencies.

30  
31       5. If in the course of a public safety worker's employment, the  
32 worker is:

33       a. exposed to the excretions, secretions, blood or other bodily  
34 fluids of one or more other individuals or is otherwise subjected to a  
35 potential exposure, by the other individual or individuals, including  
36 airborne exposure, to a serious communicable disease and any one  
37 of the other individuals is diagnosed with a serious communicable  
38 disease, has symptoms consistent with the serious communicable  
39 disease, or is otherwise determined to be infected with or at  
40 significant risk of contracting the serious communicable disease; or

41       b. exposed to any pathogen or biological toxins used in, or  
42 related to, biological warfare or epidemics, including airborne  
43 exposure,

44       then all care or treatment of the public safety worker, including  
45 testing, diagnosis, surveillance or other services needed to ascertain  
46 whether the public safety worker contracted a serious  
47 communicable disease and any related monitoring of the workers'  
48 condition, and all time during which the public safety worker is

1 unable to work while receiving the care or treatment, shall be  
2 compensable under the provisions of R.S.34:15-1 et seq., even if,  
3 after the care or treatment, it is ascertained that the public safety  
4 worker did not contract a serious communicable disease. If it is  
5 ascertained that the public safety worker has contracted a serious  
6 communicable disease or related illness under the circumstances set  
7 forth in this section, there shall be a presumption that any injury,  
8 disability, chronic or corollary illness or death of the public safety  
9 worker caused by, attributable to, or attendant to the disease is  
10 compensable under the provisions of R.S.34:15-1 et seq., but this  
11 presumption may be rebutted by clear and convincing proof that the  
12 exposure is not linked to the occurrence of the disease. The  
13 employer may require the worker to undergo, at the expense of the  
14 employer, reasonable testing, evaluation and monitoring of health  
15 conditions of the worker which is relevant to determining whether  
16 the exposure is linked to the occurrence of the disease, but the  
17 presumption of compensability shall not be adversely affected by  
18 any failure of the employer to require such testing, evaluation or  
19 monitoring.

20  
21 6. Any injury, illness or death of any employee, including a  
22 public safety worker, resulting from the administration to the  
23 employee of a vaccine including, but not limited to, smallpox  
24 vaccine, to prepare for, or respond to, any actual, threatened, or  
25 potential bioterrorism or epidemic, as part of an inoculation  
26 program in connection with the employee's employment or in  
27 connection with any governmental program or recommendation for  
28 the inoculation of workers in the employee's occupation,  
29 geographical area, or other category that includes the employee, or  
30 resulting from the transmission of disease from another employee or  
31 member of the public inoculated under the program, is deemed to  
32 arise out of and in the course of the employment and all care or  
33 treatment of the employee, including testing, diagnosis, surveillance  
34 and monitoring of the employee's condition, and all time during  
35 which the employee is unable to work while receiving the care or  
36 treatment, is compensable under the provisions of R.S.34:15-1 et  
37 seq. This section shall not be regarded as authorizing any  
38 requirement that employees participate in an inoculation program or  
39 as diminishing any requirement of law that an inoculation program  
40 be voluntary.

41  
42 7. Any injury, illness or death of a public safety worker which  
43 may be caused by exposure to a known carcinogen, cancer-causing  
44 radiation or a radioactive substance, including cancer and damage  
45 to reproductive organs, shall be presumed to be compensable under  
46 the provisions of R.S.34:15-1 et seq., if the worker demonstrates  
47 that he was exposed, due to fire, explosion, spill or other means, to  
48 a known carcinogen, cancer-causing radiation or radioactive

1 substances in the course of the worker's employment as a public  
2 safety worker. This presumption may be rebutted by clear and  
3 convincing proof that the exposure is not linked to the injury,  
4 illness or death. The employer of the public safety worker may  
5 require the worker to undergo, at the expense of the employer,  
6 reasonable testing, evaluation and monitoring of health conditions  
7 of the worker which is relevant to determining whether the exposure  
8 is linked to the occurrence, but the presumption of compensability  
9 shall not be adversely affected by any failure of the employer to  
10 require such testing, evaluation or monitoring. The employer shall  
11 maintain records regarding any instance in which any public safety  
12 worker in its employ was deployed to a facility or location where  
13 the presence of one or more substances which are known  
14 carcinogens is indicated in documents provided to local fire or  
15 police departments pursuant to the requirements of section 7 of  
16 P.L.1983, c.315 (C.34:5A-7) and where fire, explosions, spills or  
17 other events occurred which could result in exposure to those  
18 carcinogens. The records shall include the identity of each  
19 deployed public safety worker and each worker shall be provided  
20 notice of the records.

21  
22 8. Any injury, illness or death of a firefighter which may be  
23 caused by cancer, including leukemia, shall be presumed to be an  
24 occupational disease compensable under the provisions of  
25 R.S.34:15-1 et seq., if the firefighter has completed not less than  
26 five years of service as a firefighter. This presumption may be  
27 rebutted by clear and convincing evidence that the occupational  
28 disease did not arise out of and in the course of the employment.  
29 The employer may require the firefighter to undergo, at the expense  
30 of the employer, reasonable testing, evaluation and monitoring of  
31 health conditions of the firefighter which is relevant to determining  
32 whether the occupational disease arose out of and in the course of  
33 the employment, but the presumption of compensability shall not be  
34 adversely affected by any failure of the employer to require such  
35 testing, evaluation or monitoring. A firefighter with less than five  
36 years of service as a firefighter shall be subject to the provisions of  
37 section 7 of this act.

38  
39 9. This act is intended to affirm certain rights of public safety  
40 workers and other employees under the circumstances specified in  
41 this act with respect to compensation provided pursuant to  
42 R.S.34:15-1 et seq. and shall not be construed as reducing, limiting  
43 or curtailing any rights of any other worker or employee to  
44 compensation pursuant to R.S.34:15-1 et seq. or of any worker with  
45 respect to any claim for compensation pursuant to R.S.34:15-1 et

1     seq., including a claim initiated prior to the effective date of this  
2     act.

3

4         10. This act shall take effect immediately.